

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LAVON JAMES OWENS, and
JARED LANCE HOWE,

Defendants.

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4:12CR3021

MEMORANDUM AND ORDER

Defendant Howe has orally moved to continue the trial of his case so he can obtain the benefits of pretrial release and prepare for trial. (Filing 31). The trials of defendants Owens and Howe have not been severed, (see [18 U.S.C. 3161 \(h\)\(6\)](#)). Moreover, Owen's rights under the Speedy Trial Act will not be violated by a continuance because under the Act, "exclusions of time attributable to one defendant apply to all codefendants." [U.S. v. Arrellano-Garcia, 471 F.3d 897, 900 \(8th Cir. 2006\)](#).

Accordingly,

IT IS ORDERED:

- 1) Defendant Howe's motion to continue, (filing no. 31), is granted.
- 2) **As to both defendants**, the trial of this case is continued and is now set to commence before the Honorable John M. Gerrard at 9:00 a.m. on July 10, 2012 or as soon thereafter as the case may be called, for a duration of four (4) trial days, in Courtroom 1, United States Courthouse, Lincoln, Nebraska. Jury selection will be held at commencement of trial.
- 3) Based upon the representations of defendant Howe's counsel, and the fact that the government will be serving additional discovery on the defendants, (see filing 28), the Court further finds the ends of justice served by continuing the trial of this case to July 10, 2012 outweigh the interest of the defendants and the public in a speedy trial. Accordingly, **as to both defendants**, the time between today's date and July 10, 2012 shall be excluded for speedy trial calculation purposes. [18 U.S.C. § 3161\(h\)\(1\), \(h\)\(6\) & \(h\)\(7\)](#).

April 12, 2012.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge